

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

REGINALD S. ROBERSON,
Plaintiff,

Civil Action 1:22-cv-2236
Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura

v.

JUDGE MARK BETLESKI, *et al.*,
Defendants.

OPINION AND ORDER

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge on February 7, 2023 (ECF No. 6), to which Plaintiff filed an Objection (ECF No. 7). For the reasons set forth below and in the Magistrate Judge's Report and Recommendation, Plaintiff's Objection is **OVERRULED**.

I.

Plaintiff, Reginald S. Roberson, an Ohio inmate proceeding without the assistance of counsel, filed this action against all of the judges of the Northern District of Ohio. (ECF No. 1.) Mr. Roberson also applied to file a civil action *in forma pauperis*. (ECF No. 2.) The Magistrate Judge issued a Report and Recommendation in which she found that Mr. Roberson's certified trust fund account statement accompanying his application indicates that he currently has \$1,082.37 in his prison trust fund account, which is considered sufficient funds to pay the filing fee. (ECF No. 6.) Plaintiff filed his Objection, arguing that he should be permitted to file without payment of the filing fee. (ECF No. 7.)

II.

If a party objects within the allotted time to a report and recommendation, the Court

“shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

III.

Plaintiff argues that beginning in 2007 he has “received funds in his inmate account from various sources” and that “[q]uite often they are illegally confiscated for various reasons.” (Objection Statement of Facts at 2, ECF No. 7-1.) Plaintiff has provided an affidavit showing that he currently has \$591.96 in his account, not the \$1,082.37 he had when he commenced this action. Even if this is accurate, the Court finds that his trust fund account contains sufficient funds to pay the \$402.00 fee required to commence a civil action in this Court.

IV.

For the reasons set forth above, Plaintiff’s Objection (ECF No. 7) is **OVERRULED**, the Report and Recommendation (ECF No. 6) is **ADOPTED**, Plaintiff’s Application to proceed *in forma pauperis* is **DENIED** and Plaintiff is **ORDERED** to pay the \$402.00 filing fee **WITHIN 14 DAYS** of this Opinion and Order if he intends to proceed. If Plaintiff fails to timely pay the \$402.00 filing fee, this action will be **DISMISSED WITHOUT PREJUDICE**. The Clerk is **DIRECTED** to mail a copy of this Opinion and Order to Reginald S. Roberson at Mansfield Correctional Institution, P.O. Box 8107, Mansfield, OH 44901.

IT IS SO ORDERED.

4/11/2023
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE